

REMARKS

Claims 1-10 are pending in this application. Support for new claims 6-10 is found at pages 5-11 of the present specification. It is submitted that all of the presently pending claims are fully supported by the disclosure of the present application and that new claims 6-10 should be entered of record.

Issue under 35 U.S.C. §§ 102(b), 102(e) and 103(a)

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over JP '278 (Japanese Patent Application No. 08-134278).

Claims 1 and 5 have been rejected under 35 U.S.C. § 102(e) as anticipated by or, in alternative, under 35 U.S.C. § 103(a) as being obvious over Sadatoshi '081 (USP 6,441,081).

The above-noted rejections are traversed for the following reasons.

Present Invention and Its Advantages

The present invention is directed to a resin composition which includes the following features: [1] the presence of a talc (C) with an average particle diameter of not more than 3 μm ; [2] and a pigment master batch (E) having certain hydrogen ion concentration

and viscosity properties. Employment of the talc (C) allows for advantageously improved dispersibility properties so as to overcome problems associated with appearance exhibited by conventional compositions as noted at pages 2-3 and 8 of the present specification. Employment of the pigment master batch (E) having the properties noted in item [2] allows for advantageously improved pigment dispersibility properties as evidenced by the comparative test results summarized in Table 5 at page 21 of the specification. Note, for example, Examples 2 and 4 (present invention) which both exhibit advantageously improved viscosity and pigment dispersibility properties when compared to Comparative Example 2, all of these examples employing the same polypropylene composition, i.e. "Composition-4".

Absence of Basis for Anticipation Rejections under 35 U.S.C. § 102(b) and 102(e)

It is submitted that there fails to be any reasonable basis for asserting that any of the present claims are anticipated by either JP '278 under 35 U.S.C. § 102(b) or Sadatoshi '081 under 35 U.S.C. § 102(e). First, note that JP '278 fails to disclose any particular properties regarding the particle size of a component corresponding to the talc (C) component of the composition of the present invention. JP '278 describes in paragraph [0030] the

compound for a moldable polypropylene resin which includes a propylene- α -olefin block copolymer resin, a modified polyolefin, a pigment, a pigment dispersant, a siliane coupling agent, a rubber component, and an inorganic filler. However, JP '278 fails to provide any relevant significant information regarding the type of inorganic filler. Thus, JP '278 fails to provide a basis for asserting anticipation against any of the claims of the present application.

Sadatoshi '081 generically mentions a "pigment" as an optional component at column 6, line 42. However, Sadatoshi '081 fails to describe anything further regarding the type of pigment to be selected for the composition described in Sadatoshi '081. In contrast, the claims of the present application recite that a pigment master batch (E) component be present having certain hydrogen ion concentration and viscosity properties. Sadatoshi '081 fails to provide any disclosure or suggestion to one skilled in the art as to how to select the pigment master batch (E) component in the polypropylene resin composition of the present invention, such that Sadatoshi '081 fails to provide any basis for asserting anticipation against any of the claims of the present application.

In addition to the factual analysis provided above, it is noted that the Patent Examiner is required to identify every

element of the patent claim in the reference which asserted to anticipate a patent claims. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2nd 1051, 1053 (Fed. Cir. 1987). Clearly, in the present situation the talc (C) component is not disclosed by JP '278, and the pigment master batch (E) component is not disclosed by Sadatoshi '081. Consequently, it is requested that the above-rejections under 35 U.S.C. §§ 102(b) and 102(e) be withdrawn.

Additional Distinctions between Present Invention and JP '278

JP '278, as noted above, generally discloses the presence of an inorganic filler, but fails to disclose the use of a specific talc (C) component having the specific average particle diameter as in the composition of the present invention. Thus, JP '278 fails to recognize the advantages achieved by employing this component in the composition of the present invention, including advantageously improved dispersibility and appearance properties as noted above. Therefore, significant patentable distinctions exist between the present invention and JP '278. Further, even if it is hypothetically assumed that JP '278 provides an appropriate basis for asserting prima facie obviousness, this obviousness has been rebutted by the comparative test results provided in the present specification, such as those in Table 5 thereof. Consequently, it is submitted that JP '278 fails to provide an adequate basis for

asserting obviousness under 35 U.S.C. § 103(a) against any of the present claims.

Additional Distinctions between Present Invention and Sadatoshi

'081

Sadatoshi '081 discloses a polypropylene resin composition which includes a mixture of (i) a propylene-ethylene block copolymer and (ii) a propylene homopolymer as noted at column 2, lines 5-41. Sadatoshi '081, as noted above, discloses that a pigment component may optionally present in the composition as noted at column 6, line 42.

Sadatoshi '081 fails to disclose or suggest employment of a pigment master batch (E) component having the hydrogen the ion concentration and viscosity properties of this component in the composition of the present invention. Thus, Sadatoshi '081 fails to recognize the advantages achieved by the composition of the present invention by employing this component (E), including advantageously improved dispersibility properties as evidenced by the comparative test results in Table 5 of the present specification as discussed above. Therefore, significant patentable distinctions exist between the present invention and Sadatoshi '081. Further, even if it is hypothetically assumed that Sadatoshi '081 provides an appropriate basis for asserting prima

facie obviousness, such obviousness has been rebutted by the comparative test results which show unexpected, advantageous properties. Consequently, it is requested that the rejections under 35 U.S.C. § 103(a) based on Sadatoshi '081 be withdrawn.

It is submitted for the reasons stated above that all of the presently pending claims define patentable subject matter such that this application should be placed into condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

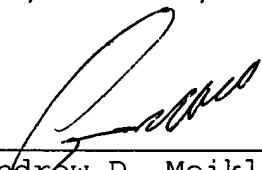
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$950.00 is attached hereto.

Appl. No. 09/898,011

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/csm
2185-0553P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000